

**REMARKS**

**I. INTRODUCTION**

Claim 7 has been amended. Support for this amendment can be found at least at ¶ [0031] of the published specification. Thus, claims 5-7 remain pending in the present application. The specification has been amended. No new matter has been added. In light of the above amendments and the following remarks, Applicants respectfully submit that all presently pending claims are in condition for allowance.

**II. THE SPECIFICATION OBJECTION SHOULD BE WITHDRAWN**

The specification stands objected to for containing inaccurate information. In light of the amendment to the specification, the withdrawal of this objection is respectfully requested.

**III. THE 35 U.S.C. § 112 REJECTION SHOULD BE WITHDRAWN**

Claims 5-7 stand rejected under 35 U.S.C. §112, second paragraph, for being indefinite. Specifically, the Examiner refers to the recitation of “a cross-member connected to the main part” and states that this should recite head part rather than main part. However, this correction has already been submitted on 12/17/08.

The Examiner also states the term “U-shaped” is indefinite because “the distal end of the legs or sides of the spring 55 are bent inwardly and do not concur with a U-shaped configuration.” (See 2/10/09 Office Action, p. 3). However, it would obvious to one of ordinary skill in the art that spring 55 is “U-shaped” even with the distal ends of the spring bent inwards. Spring 55 is not closed at its distal end and has cross-member 56 at its proximal end, thus rendering it “U-shaped.” Applicants, therefore, request the withdrawal of the §112, second paragraph, rejection.

**IV. THE 35 U.S.C. § 102 REJECTIONS SHOULD BE WITHDRAWN**

Claims 6-7 stand rejected under 35 U.S.C. §102(b) for being anticipated by Volz (U.S. Patent No. 1,810,152).

Claim 7 recites “[a] personal care apparatus, comprising: a hair trimmer; a main part and a head part, the main part being adapted to be held in one hand and having a region adjacent the head part, *wherein the head part is connected to the main part in the region of the main part that is adjacent the head part and the entire head part is pivotable relative to the main part about an axis of pivot*; a personal care tool provided on the head part and comprising a toothed cutting mechanism that has at least one drivable toothed blade; a spring of a U-shaped configuration has a cross-member connected to the head part and two sides co-operating with at least one position extension connected to the main part in the region of each of its two sides, wherein the spring acts between the head part and the main part, and the head part is pivotable by the spring in synchronization with varying displacing forces that act on the head part in the course of a personal care process, and wherein the head part is adapted for positioning by the spring in a defined rest position relative to the main part when there are no displacing forces present.”

The Examiner refers to Volz’s disclosure that because “the sheet metal member 21 is formed from thin sheet metal, the moveable clipper blade may have a slight pivoting action in relation to the arm 18 so as to engage flat against the face of the stationary clipper blade 4 during vibration of the arm 18.” (See Volz, p. 2, ll. 4-10). So, moveable clipper blade 24 is pivotable so that it engages flat against the face of the stationary clipper blade 4 at all times. In contrast, claim 7 recites that “*the entire head part is pivotable relative to the main part about an axis of pivot.*” Applicants fail to see how the slight pivoting action of moveable clipper blade 24 to keep it flat against stationary blade 4 meets the entire *head portion* recited in the claim. Volz clearly discloses that blade is **stationary**. Furthermore, there is no disclosure or suggestion by Volz that arms 3 or vibratable arm 18 is pivotable relative to portion 1. Still further, the Examiner explicitly refers to both blades 4 and 24 to meet the recited head part. (See 2/10/09 Office Action,

p. 4, l. 8). So, even though blade 24 is pivotable, blade 4 is clearly stationary. Thus, it is respectfully submitted that Volz fails to disclose or suggest that “*the entire head part is pivotable relative to the main part about an axis of pivot,*” as recited in claim 7.

The Examiner also rejects claim 6 as being anticipated by Volz. However, claim 6 recites “the main part, when held in one hand, projects from the hand in a direction of projection, and wherein the axis of pivot extends substantially parallel to the direction of projection.” Even if the moveable clipper blade 24 meets the recited head part, which Applicants do not admit to, the pivoting action undergone by moveable clipper blade 24 to keep it flat against stationary blade 4, is clearly not about an axis substantially parallel to the direction of projection of portion 1. In contrast, the pivoting action is about an axis perpendicular to the direction of projection of portion 1. Therefore, Applicants respectfully submit that claim 7 and its dependent claim 6 are allowable over Volz.

Claims 5-7 stand rejected under 35 U.S.C. §102(b) for being anticipated by Walton (U.S. Patent No. 3,589,007).

The Examiner refers to elements 48-50 and 65 to meet the recited head part and states that these elements “pivot slightly along a pivoting axis adjacent to the region in response to external or displacing forces applied to the tip of the blades 48,49. (See 2/10/09 Office Action, p. 5, ll. 5 and 9-10). However, there is no disclosure anywhere in Walton that these elements are pivotable relative to the main part about an axis of pivot. Furthermore, similar to the deficiencies of Volz presented above, Walton explicitly discloses that blade 48 is stationary, hence the reference “stationary comb blade 48.” So even if the one of the elements that the Examiner refers to is pivotable, all the elements 48-50 and 65 are not pivotable because blade 48 clearly is not pivotable. With regard to the movement of moveable shear blade 49, Walton discloses that “[s]liding means 62 has up and down movement and lateral back and forth movement, the latter being communicated to comb blade 49.” (See Walton, col. 4, ll. 49-51). So, the movement of moveable shear blade 49 is only back and forth movement. There is no disclosure by Walton of an entire head part that “*is pivotable relative to the main part about an axis of*

*pivot,*” as recited in claim 7. Therefore, claim 7 and its dependent claims 5-6 are allowable over Walton.

**CONCLUSION**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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